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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-152

13 **JILL M. PANTER**

14 **117 First Street**
Travis Air Force Base, CA 94535
15 **Registered Nursing No. 620977**

ACCUSATION

16 Respondent.

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18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about July 7, 2003, the Board of Registered Nursing issued Registered Nursing
24 License Number 620977 to Jill M. Panter ("Respondent"). The Registered Nursing License of
25 Respondent was in full force and effect at all times relevant to the charges brought herein and
26 expired on September 30, 2008.
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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

"(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

...

"(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action."

...

5. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

"(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

• • •

"(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section."

6. Section 2750 of the Business and Professions Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

7. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

9. "Hydrocodone bitartrate" is a Schedule III controlled substance as defined by Health and Safety Code section 11056(e)(4), and a dangerous drug pursuant to Code section 4022. This medication is produced by several drug manufacturers and depending on the dosage of the hydrocodone bitartrate and added medication it can be known by the following trade names: "Tylenol #3 or # 4" (hydrocodone bitartrate with APAP); "Vicodin" (hydrocodone bitartrate 5 mg with acetaminophen 500 mg); "Vicodin ES" (hydrocodone bitartrate 7.5 mg with

1 acetaminophen 750 mg); "Vicodin HP" and/or "Norco" (hydrocodone bitartrate 10 mg with
2 acetaminophen 750 mg).

3 10. "Lorazepam" is a Schedule IV controlled substance as defined by Health and Safety
4 Code section 11057(d)(16) and a dangerous drug pursuant to Code section 4022. It is commonly
5 known by its trade name "Ativan" and is a psychotropic drug for the management of anxiety
6 disorders and as a sedative.

7 11. "Ultram" is a dangerous drug pursuant to Code section 4022. It is known by its trade
8 name "Tramadol hydrochloride" and is a centrally acting synthetic analgesic compound.

9 FIRST CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct)

11 12. Respondent is subject to disciplinary action under Code section 2761(a) in that she
12 acted unprofessionally. The circumstances are as follows:

13 13. On March 20, 2006, Respondent began her employment as a Licensed Registered
14 Nurse at the Queen of the Valley Hospital, Napa, California. On October 20, 2006, Respondent
15 was interviewed in response to staff complaints that she would wander off her shifts, was difficult
16 to find and appeared to be drowsy and incoherent. During the interview, Respondent appeared
17 to be under the influence of a controlled substance in that she was flushed, had slurred speech and
18 exhibited difficulty in understanding the questions that were being asked. Respondent was asked
19 to submit to a urine drug screen. She refused and immediately tendered her resignation.

20 SECOND CAUSE FOR DISCIPLINE

21 (False Entries in Hospital, Patient or Other Records)

22 14. Respondent is subject to disciplinary action under Code sections 2671(a) and/or
23 2762(a) and/or 2762(e), in that while on duty as a Licensed Registered Nurse at Queen of the
24 Valley Hospital, Napa, California, she falsified, made grossly incorrect, grossly inconsistent, or
25 unintelligible entries in hospital and patient records in the following circumstances:

26
27 **Patient 1.**
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1 a. On October 20, 2006, at 1:45 p.m., Respondent withdrew one tablet of Vicodin, a
2 controlled substance, from the pyxis for Patient 1. The Physician's Order provided for Patient 1
3 to be administered one tablet of Vicodin every six hours as needed for pain. Respondent failed to
4 chart administering the Vicodin in the Medication Record, and otherwise failed to account for the
5 disposition of this medication.

6 b. On October 20, 2006, at 3:45 p.m., Respondent documented administering 0.5 mg
7 Ativan to Patient 1, a dangerous medication. The Physician's Order provided for Patient 1 to be
8 administered 0.5 mg Ativan as needed for anxiety. However, there was no indication that
9 Respondent had removed this medication from the pyxis.

10 **Patient 2.**

11 c. On October 20, 2006, at 1:16 p.m., Respondent withdrew two tablets of Vicodin, a
12 controlled substance, from the pyxis for Patient 2. The Physician's Order provided for Patient 2
13 to be administered two tablets of Vicodin as needed for severe pain. Respondent failed to chart in
14 the Medication Record that two tablets of Vicodin were administered to Patient 2, and otherwise
15 failed to account for the disposition of this medication.

16 **Patient 3.**

17 d. On October 18, 2006, at 10:00 a.m., Respondent documented in Patient 3's
18 Medication Record that she administered one 50 mg tablet of Ultram, a dangerous medication.
19 The Physician's Order provided for Patient 3 to receive Ultram 50 mg three times a day.
20 However, there was no record in the pyxis of Respondent having withdrawn this medication.

21 e. On October 18, 2006, at 2:00 p.m., Respondent documented in Patient 3's Medication
22 Record that she administered one 50 mg tablet of Ultram, a dangerous medication. The
23 Physician's Order provided for Patient 3 to receive Ultram 50 mg three times a day. However,
24 there was no record in the pyxis of Respondent having withdrawn this medication.

25 f. On October 20, 2006, at 8:30 a.m., Respondent documented in Patient 3's Medication
26 Record that she administered one 50 mg tablet of Ultram, a dangerous medication. The
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1 Physician's Order provided for Patient 3 to receive Ultram 50 mg three times a day. However,
2 there was no record in the pyxis of Respondent having withdrawn this medication.

3 g. On October 20, 2006, at 10:49 a.m., Respondent withdrew one 50 mg tablet of
4 Ultram, a dangerous medication, from the pyxis for Patient 3. The Physician's Order provided
5 that Patient 3 was to receive Ultram 50 mg three times a day. Respondent failed to chart in the
6 Medication Record that she administered the Ultram to Patient 3, and otherwise failed to account
7 for disposition of this medication.

8 h. On October 20, 2006, at 1:45 p.m., Respondent withdrew one 50 mg tablet of Ultram,
9 a dangerous medication, from the pyxis for Patient 3. The Physician's Order provided that
10 Patient 3 was to receive Ultram 50 mg three times a day. Respondent failed to chart in the
11 Medication Record that she administered the Ultram to Patient 3, and otherwise failed to account
12 for disposition of this medication. Additionally, Respondent allegedly administered this
13 medication within approximately three hours of previously giving this medication to Patient 3,
14 while the Physician's Order, provided that 50mg of Ultram was to be given three times a day, i.e.,
15 no more frequently than every eight hours.

16 i. On October 20, 2006, at 2:50 p.m., Respondent documented in Patient 3's Medication
17 Record that she administered two tablets of Norco, a controlled substance. The Physician's Order
18 provided that Patient 3 was to receive one tablet of Norco every four hours as needed for pain.
19 However, there was no record in the pyxis of Respondent having withdrawn this medication for
20 Patient 3, and her documentation of having given two tablets of Norco was in excess of the
21 prescribed dose as set forth in the Physician's Order.

22 **Patient 4.**

23 j. On October 20, 2006, at 11:50 a.m., Respondent withdrew one tablet of Vicodin, a
24 controlled substance, from the pyxis for Patient 4. The Physician's Order provided that Patient 4
25 was to receive one tablet Vicodin every four hours as needed for pain. Respondent failed to chart
26 in the Medication Record that she administered the Vicodin, and otherwise failed to account for
27 disposition of this medication.

28 THIRD CAUSE OF ACTION

(Use of Controlled Substance to an Extent or in a Manner
Dangerous or Injurious to the Licensee and/or Others)

15. Respondent is subject to disciplinary action under Code sections 2671(a) and/or 2762(b) in that she used a controlled substances to an extent or in a manner that was dangerous or injurious to herself or to others. The circumstances are as follows:

a. Between March 2006 and October 2006, while a Licensed Registered Nurse, Respondent was filling as frequently as every eight days, prescriptions in her own name, for hydrocodone bitartrate, a Schedule III controlled substance. Respondent was obtaining up to 100 tablets of hydrocodone bitartrate at each prescription refill during this period of time.

b. In a telephone interview on December 8, 2008, Respondent admitted to "popping those pills (hydrocodone bitartrate) like candy every day" from March 2006 through October 2006.

FOURTH CAUSE OF ACTION

(Disciplinary Action by Another State)

16. Respondent is subject to disciplinary action under Code section 2761(a)(4) in that she was disciplined in another state. The circumstances are as follows:

a. On or about September 25, 2007, Respondent voluntarily executed a "Program Participation Affidavit Recovering Nurse Program," ratified by the Mississippi Board of Nursing on October 5, 2007. In this affidavit, Respondent acknowledged that she had violated Mississippi Code Ann. Section 73-15-29(1)(h) in that "I am addicted to or dependent on alcohol or a habit forming drug or a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effect or have misappropriated medication."

b. Respondent agreed to participate in the Recovering Nurse Program and abide by all its conditions or face potential further disciplinary action, including but not limited to revocation of her Mississippi Registered Nursing License.

c. On October 9, 2008, the Mississippi Board of Registered Nursing filed a disciplinary action against Respondent, entitled *In the Matter of Mississippi License No. R-876446*, issued to Jill Panter. The basis for the complaint was that Respondent failed to comply with the conditions as set forth in the Nurse Program Affidavit as executed on September 25, 2007. The complaint specifically noted that “RESPONDENT has failed to follow recommendations of a Board – approved assessor for completing treatment of opioid dependency, has failed to submit to periodic, unannounced drug screens, and has failed to submit required monthly reports.”

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nursing Number 620977, issued to Jill M. Panter.
2. Ordering Jill M. Panter to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

9/15/09

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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